

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE EX PARTE APPLICATION OF SBK
ART LLC,

CASE NO.: XX-XX-XXX

Petitioner,

for an order pursuant to 28 U.S.C §1782 to
conduct discovery for use in foreign
proceedings

***EX PARTE PETITION FOR AN ORDER PURSUANT TO 28 U.S.C. § 1782 TO TAKE
DISCOVERY FROM AKIN GUMP STRAUSS HAUER & FELD LLP AND AKIN GUMP
LLP FOR USE IN FOREIGN PROCEEDINGS***

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SBK ART, LLC*

Pursuant to 28 U.S.C. §1782, applicant SBK ART LLC (“SBK ART” or “Petitioner”) hereby applies *ex parte* for the issuance of document and deposition subpoenas to Akin Gump Strauss Hauer & Feld LLP and Akin Gump LLP (“Akin”) in connection with a proceeding in Malta and an anticipated action in the Netherlands or some other foreign court (collectively the “Foreign Proceedings,” all as more fully described in the Memorandum of Law submitted in support of this Application). SBK ART invokes §1782 and seeks this Court’s assistance because Akin, which is not a party to the Foreign Proceedings, possesses information that is both relevant and important to the foreign litigation.

This Court is empowered to issue the subpoenas because (i) Akin is headquartered within this District, (ii) the subpoenas seek discovery related to the Foreign Proceedings, (iii) Akin is not a party in the Foreign Proceedings, and (iv) SBK ART is an “interested person” by virtue of its status as a litigant in the Foreign Proceedings.

This *Ex Parte* Petition is based on the concurrently filed Declarations of John Refalo and Michael A. Piazza, the accompanying Memorandum of Law, all matters of which this Court may take judicial notice, and further written and oral argument as may be presented to the Court.

Dated: March 26, 2024

Respectfully submitted,

/s/ Robert S. Landy

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